

REMARKS

Claims 12-26 and 44-84 are pending. Claims 12, 13, 22, 25, 50-51 and 67 have been amended. No new matter is added by the amendments.

Claim 12 has been amended to more clearly state what is treated. Support for this amendment is found in original claims 1, 12 and 13 and on pages 12-13 of the specification.

Claim 22 has been amended to delete the term "substantially pure." This claim now recites "85% by weight of the β -D isomer." Support for this recitation is found on page 106, lines 20-21 of the specification.

Claim 25 has been amended to correct the misspelling of "ascorbate." Support for this amendment is found on page 13, line 2 of the specification.

Claims 50-51 and 67 have been amended to recite "Base*" in reference to claim 12 from which each of claims 50, 51 and 67 depend.

Claims 12-26 and 44-84 stand rejected. Applicants respectfully request reconsideration of the pending rejections based on the amendments and the following comments.

Claims Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 12-13, 18-26 and 44-84 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

First, the Examiner alleges that claim 12 is indefinite because the use of the term "effective amount" does not "state the function which is to be rendered effective." (Office Action, page 3). The Examiner suggests rephrasing the claim to clearly state what is actually being treated. (Office Action, page 3). Soley to promote prosecution and without prejudice, claim 12 has been amended to clearly state that what is treated is a host infected with a hepatitis C virus.

Second, the Examiner alleges that the term "substantially pure" in claim 22 is indefinite. Soley to promote prosecution and without prejudice, claim 22 has been amended to delete the term "substantially pure." This claim now recites "85% by weight of the β -D isomer." (Office Action, page 3). Claims 13, 18-26 and 44-84 are dependent from claim 12. Therefore, Applicants respectfully request that the rejection of claims 12-13, 18-26 and 44-84 under 35 U.S.C. § 112, second paragraph be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

Please apply fees for the extension of time for three months (\$2,160.00) and any other charges, or any credits, to Jones Day Deposit Account No. 503013.

If the Examiner believes it would be useful to advance prosecution, the Examiner is invited to telephone the undersigned at (858) 314-1200.

Respectfully submitted,

Date: February 15, 2007



Dale Rieger Reg. No. 43,045

JONES DAY
222 East 41st Street
New York, New York 10017
(858) 314-1200